

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: **Norihide OOOYAMA**

Group Art Unit: **1745**

Serial No.: **10/004,803**

Examiner: **Raymond ALEJANDRO**

Filed: **December 7, 2001**

Confirmation No.: **7776**

For: **SEALED BATTERY**



Attorney Docket No.: **011659**

Customer Number: **38834**

**REQUEST TO WITHDRAW HOLDING OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

April 27, 2004

Sir:

Applicants respectfully request the withdrawal of the holding of abandonment of the above-referenced application, which Applicants submit was neither their fault nor in their control. The facts of the situation are as follows:

- (1) The present application was filed on December 7, 2001.
- (2) The Patent Office forwarded an Office Action on May 7, 2003.
- (3) Applicants responded to the Office Action by filing an amendment on August 5, 2003.
- (4) Applicants submitted a change of correspondence address that was acknowledged by the Patent Office on December 19, 2003. This change of correspondence address clearly noted the new address and phone number to reach Applicant's attorneys for this application.
- (5) On or about March 15, 2004, Applicant noted in the PAIR system that the Patent Office had not acknowledged receipt of Applicant's response dated August 5, 2003.
- (6) In order to avoid the issuance of a Notice of Abandonment and the inconvenient requirement to formally respond, Applicant attempted to contact the Examiner. After leaving two unreturned messages on the Examiner's voice mail, Applicant contacted the Examiner's Supervisor, Mr. Patrick Ryan. Mr. Ryan indicated that the Examiner was out of town for an

extended period of time, but suggested that Applicant submit a copy of the amendment filed on August 5, 2003, along with a copy of a return post card to Mr. Ryan.

(7) On March 30, 2004, Applicant forwarded to Mr. Ryan via facsimile the requested copy of the amendment and a copy of the returned post card indicating that the Patent Office had received the amendment on August 5, 2003, copies of which are attached hereto.

(8) On April 23, 2004, Applicant received a Notice of Abandonment. The Notice indicated that the Examiner had left a message for Applicant's attorney at their old phone number, but that they had not responded.

Applicant respectfully requests withdrawal of the holding of abandonment. Applicant further requests that the amendment filed on August 5, 2003 be promptly considered so that any additional delay to Applicant is minimized.

If the Examiner requires any further information, he is invited to contact Applicant's attorney at (202) 822-1100, which is the telephone number noted in the previously noted Change of Correspondence Address filed on December 19, 2003.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



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Enclosures: Copy of Amendment filed on August 5, 2003  
Copy of return post card dated August 5, 2003  
Copy of facsimile to Mr. Patrick Ryan dated March 30, 2004